

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE AIR CARGO SHIPPING SERVICES
ANTITRUST LITIGATION

MDL No. 1775

06-MD-1775 (JG) (VVP)

ALL CASES

**UNCONTESTED MOTION OF KOREAN AIR LINE CO., LTD AND AIR CHINA LTD.
AND AIR CHINA CARGO CO. LTD. FOR A SUPPLEMENTAL ORDER
DESIGNATING ADDITIONAL INDIVIDUALS WHO MAY ATTEND THE
DEPOSITION OF YOSHIOMI FUKUDA AT THE CONSULATE GENERAL OF THE
UNITED STATES OF AMERICA IN OSAKA-KOBE, JAPAN**

Defendant Korean Air Line, Co. Ltd. (“Korean Air”) and Air China Ltd. and Air China Cargo Co. Ltd. (“Air China”) hereby submit this Uncontested Motion for a Supplemental Order Designating Additional Individuals Who May Attend the Deposition of Yoshiomi Fukuda at the Consulate General of the United States of America in Osaka-Kobe, Japan. Korean Air and Air China respectfully submit that the Court should grant this motion and enter the attached proposed Order for the following reasons:

1. Class Plaintiffs noticed the deposition of Yoshiomi Fukuda to take place at the offices of the Consulate General of the United States of America, Osaka-Kobe, Japan on January 22-23, 2013, for use in the Air Cargo Litigation. Mr. Fukuda is a Japanese national who is an employee of Nippon Cargo Airlines (“NCA”). *See* Plaintiffs’ Notice to Take Deposition, attached at Exhibit A.
2. Korean Air and Air China, as parties to this action, are entitled to attend and participate in the deposition. *See* Fed. R. Civ. P. 30; Local Civ. R. 30.3.
3. Japanese law requires that persons from the United States wishing to participate in

a deposition of a witness in Japan must apply for a “special deposition visa.” See U.S. Department of State, Bureau of Consular Affairs, Japan Judicial Assistance, at http://travel.state.gov/law/judicial/judicial_678.html (last visited December 18, 2012).

4. In order to obtain a special deposition visa required for participation in the deposition of Mr. Fukuda, attorneys who are citizens of the United States must present a U.S. court order identifying them as among the individuals who may attend the deposition. The order must also cite Article 17 of the Consular Convention Between the United States of America and Japan, March 23, 1963, U.S. – Japan, 15 U.S.T. 768. *Id.*

5. On November 16, 2012, this Court issued an order listing individuals who “may attend and/or participate in this deposition.” Dkt. 1778, attached at Exhibit B. This Order lists three attorneys for Class Plaintiffs, five attorneys for NCA, several interpreters, reporters, and videographers, and “any other persons as the Court may designate by supplemental order.” *Id.*

6. Counsel for Korean Air has consulted with counsel for Class Plaintiffs and NCA, and has confirmed that they do not oppose this motion.

7. The attached proposed Order is based on the sample court order suggested by the United States Department of State for taking depositions at U.S. Consular offices, and is also based on the Court’s November 16, 2012 Order permitting counsel for Class Plaintiffs and NCA to participate in the deposition of Mr. Fukuda.

WHEREFORE, for the foregoing reasons, Korean Air and Air China request that the Court grant their Uncontested Motion for a Supplemental Order Designating Additional Individuals Who May Attend the Deposition of Yoshiomi Fukuda at the Consulate General of the United States of America in Osaka-Kobe, Japan, and enter the attached proposed Order.

Dated: December 19, 2012

By: /s/ Kevin C. Logue
Kevin C. Logue

Barry G. Sher
Kevin C. Logue

PAUL HASTINGS LLP
75 East 55th Street
New York, NY 10022-3205
(212) 318-6000

Attorneys for Korean Air Line Co., Ltd.

/s/ George N. Tompkins III
George No. Tompkins III

Wilson Elser Moskowitz Edelman & Dicker LLP
150 E. 42nd Street
New York, NY 10017
(212) 490-3000

*Attorney for Air China Ltd. and Air China Cargo
Co. Ltd.*

CERTIFICATE OF SERVICE

I, Frank Lee, hereby certify that on December 19, 2012, I caused a true and correct copy of the above document to be served via the Court's ECF system to all attorneys of record in this action.

/s/ Frank Lee

Frank Lee